

**11/14/2018**

**VIA ELECTRONIC FILING**

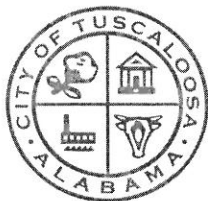
Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, District of Columbia 20554

*RE: Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984  
as Amended by the Cable Television Consumer Protection and Competition Act of  
1992, MB Docket No. 05-311*

Dear Ms. Dortch,

The City of Tuscaloosa appreciates the opportunity to file comments on the Second Further Notice of Proposed Rulemaking ("FNPRM") in the above-referenced docket. Tuscaloosa is a municipal corporation located in Tuscaloosa County in the state of Alabama. We strongly oppose the tentative conclusions in the FNPRM that cable-related in-kind contributions are franchise fees and that local governments have no authority regarding cable operators' use of the rights of way to provide non-cable services.

As I am sure you are aware, the cost of funding essential government services increases every year. We have a large number of franchisees that utilize our rights of way. As a result, space within our rights of way is a precious resource that requires constant maintenance and management. The maintenance and management of our rights of way is vital to maintaining the viability of that resource for future generations and to also provide space for the inevitable advancement in technology and the growth of future infrastructure. Municipalities such as Tuscaloosa are required to protect that resource. To that end, we currently have several Franchise Agreements in place that not only allow for the usage of our rights of way for public benefit but also place certain requirements on the Franchisee as well. For example, franchisees are currently charged, as current Federal and State law allow, 5% of gross receipts collected within the city limits. The total collections for 2018,



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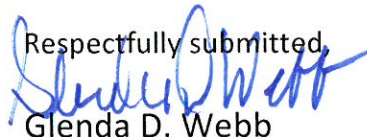
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estimating last quarter, is \$1,233,460.51. Needless to say, losing that funding could potentially be devastating to several essential functions including but not limited to public safety, public health, public infrastructure but also maintaining and managing the public rights of way that cable providers use to provide their services. Clearly, the relationship between cable providers, their customers, and local governments is mutually beneficial to all parties involved. Losing that funding will substantially impact Tuscaloosa's ability to provide the services that all citizens need.

Another Franchisee obligation is creating access to PEG channels. Franchise obligations such as PEG channels and local customer service obligations are more appropriately considered community benefits, not contributions to LFAs, and, like build-out obligations, should not be considered franchise fees. For example, our franchise agreement requires the cable operator to provide two (2) video Channels to be designated solely for non-commercial public, educational, or governmental use. PEG programming is essential to our local programming and our ability to keep our citizens informed about local government. The city of Tuscaloosa currently uses PEG channels to broadcast City Council meetings, City Council committee meetings, meetings of the Zoning Board of Adjustment, Planning Commission meetings, Historic Preservation committee meetings, special messages from the Mayor of Tuscaloosa, local weather and traffic, and also many other items of public interest that utilize city government. PEG channels provide access to that information at a low cost to the consumer and help keep areas of the city informed that would not otherwise have access to this vital information. PEG channels are an indispensable part of how we and many other local governments communicate with our citizens.

In closing, as stated earlier, we strongly oppose the tentative conclusions in FNPRM. In order to protect the long term viability of public right of way, it must be properly managed and maintained. Additionally, the costs associated with cable franchises help maintain the rights of way so that not only does the cable provider benefit but also the public at large. As stated earlier, losing that funding would be devastating to our local budget and severely impact Tuscaloosa's ability to provide police and fire protection, maintain public infrastructure, provide other essential government functions, and also maintain the rights of way that cable providers use to provide their services. In essence, all of these things are interconnected. Cable providers need these services just as much as the people they serve. Therefore, we oppose any changes that will in any way limit local governments' ability to exercise some authority over cable operators' use of rights of way and also reduce the amount that local governments can collect from cable franchisees.

Respectfully submitted,  


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